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SEA**

**SERVICE DATE – DECEMBER 12, 2005**

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**STB DOCKET NO. AB-33 (Sub No. 229X)**

**UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN  
ELLIS COUNTY, TEXAS**

### **BACKGROUND**

In this proceeding, the Union Pacific Railroad Company (UP) filed a notice of exemption pursuant to 49 C.F.R. 1152.50 to abandon and discontinue service on its line of railroad known as the Waxahachie Industrial Lead, from approximately milepost 798.03 near Waxahachie to approximately milepost 802.60 near Nena, a distance of 4.57 miles in Ellis County, Texas. The line traverses U.S. Postal Service Zip Code 75165. A map depicting the rail line in relationship to the area served is appended to this Environmental Assessment. If the notice becomes effective, the railroad will be able to salvage track, ties, and other railroad appurtenances and dispose of the right-of-way.

### **ENVIRONMENTAL REVIEW**

The railroad submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. The railroad served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the environmental record in this proceeding.

The proposed action involves the abandonment and discontinuance of service on UP's Waxahachie Industrial Lead line in Ellis County, Texas. According to UP, this line has been out of service for more than two years. Consequently, the proposed abandonment would cause no diversion of passengers or freight to other transportation systems or modes. Because the line has handled no local or overhead traffic during the last two years, the proposed abandonment would not affect the transportation of energy resources or recyclable commodities, and would not result in an increase in overall energy efficiency.

UP states that it is aware of no inconsistencies of the proposed action with existing land use plans. The City of Waxahachie has expressed an interest in purchasing the right-of-way for trail use. UP states that if the property is not conveyed to the City of Waxahachie for trail use, it would consolidate the property into the adjacent land usage, most of which is industrial and /or

treed pasture land. At this time, the United States Fish and Wildlife Service (USFWS) has not responded to UP's request for assistance in identifying Federally-listed species that may be impacted by the proposed abandonment. Examples of Federally-listed species that are known to occur in the region of the proposed abandonment are the black-capped vireo, golden-cheeked warbler, and the Texas poppy mallow. To facilitate a review of the possible effects of this project on endangered or threatened species or areas designated as critical habitat, SEA recommends that UP continue consultation with the USFWS. Accordingly, we will recommend a condition requiring UP to consult with USFWS regarding possible impacts to Federally-listed threatened and endangered species that may occur in the vicinity of the line proposed for abandonment.

The railroad has not proposed the discharge of dredged or fill material in waters of the United States, including wetlands. However, the United States Army Corps of Engineers (USACE) has not responded to UP's request for assistance in identifying any designated wetlands or 100-year flood plains that could be affected by the proposed abandonment. Accordingly, in order to determine whether a USACE permit under Section 404 of the Clean Water Act (33 U.S.C. 1344) would be required, we recommend that UP consult with the USACE prior to commencement of any salvage activities.

At this time, the Texas Coastal Commission has not submitted a determination on whether the proposed abandonment would affect land or water resources within the Texas coastal zone. However, because the proposed abandonment is not located near any Texas coastal areas, it is unlikely that it would be inconsistent with any activities in the Texas coastal zone.

UP states that air pollutant emissions associated with salvage activities are expected to be insignificant. Moreover, the minor increase in noise levels during salvage activities would be short-term and insignificant.

The National Geodetic Survey (NGS) has advised that two geodetic station markers have been identified that may be affected by the proposed abandonment. NGS requests not less than 90 days notification in advance of any planned activities which would disturb or destroy these markers in order to plan for their relocation. Accordingly, we will recommend a condition requiring UP to notify NGS no less than 90 days prior to conducting salvage activities within the right-of-way.

## **HISTORIC REVIEW**

The railroad submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Texas State Historic Preservation Office (SHPO), pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that the proposed abandonment would have no adverse effect on historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register). We have reviewed the report and the information provided by the SHPO and concur with the SHPO's comments.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the section 106 process of the National Historic Preservation Act at 36 CFR 800.5(c) and 36 CFR 800.8, we have determined that the proposed abandonment will not adversely affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 800.11(e), consists of the railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public.

No federally recognized tribes have been identified in the vicinity of the proposed abandonment.

### **CONDITIONS**

SEA recommends that the following environmental conditions be placed on any decision granting abandonment authority:

- UP shall consult with the United States Army Corps of Engineers (USACE) prior to commencement of any salvage activities in order to determine whether a permit under Section 404 of the Clean Water Act (33 U.S.C. 1344) is required.
- UP shall notify National Geodetic Survey (NGS) not less than 90 days in advance of any planned activities which would disturb or destroy the two station markers identified by NGS on the right-of-way.
- UP shall consult with United States Fish and Wildlife Service (USFWS) regarding possible impacts to Federally-listed threatened and endangered species that may occur in the vicinity of the line proposed for abandonment.

### **CONCLUSIONS**

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended conditions are imposed, abandonment of the line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

## **PUBLIC USE**

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

## **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the class exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

## **PUBLIC ASSISTANCE**

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

## **COMMENTS**

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Phillis Johnson-Ball, who prepared this environmental assessment. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB-33 (Sub. No. 229X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this environmental assessment, please contact Phillis Johnson-Ball, the environmental contact for this case, by phone at (202) 565-1530, fax at (202) 565-9000, or e-mail [johnson-ballp@stb.dot.gov](mailto:johnson-ballp@stb.dot.gov).

Date made available to the public: December 12, 2005.

**Comment due date: December 27, 2005.**

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams  
Secretary

Attachment